

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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1. STAY OF SUSPENSION. The suspension is hereby STAYED for a period of three months, conditioned upon compliance with the conditions and limitations outlined below.

- a. Mr. Sargent may apply for consecutive three (3) month extensions of the stay of suspension, which shall be granted upon acceptable demonstration of compliance with the conditions and limitations imposed on Mr. Sargent for rehabilitation and practice during the prior three (3) month period.
- b. The Board may without hearing deny an application for extension of the stay, or commence other appropriate action, upon receipt of information that Mr. Sargent has violated any of the terms or conditions of this Order. If the Board denies the petition by Mr. Sargent for an extension, the Board shall afford an opportunity for hearing in accordance with the procedures set forth in ch. RL 1, Wis. Adm. Code upon timely receipt of a request for hearing.
- c. Upon a showing of five years of continuous active professional practice under this Order and without violation of any of its terms or commission of any other unprofessional conduct, the Board may grant a petition by Mr. Sargent for return of full licensure. (See paragraph 14)
- d. The applications for extension under paragraph 1.a. and all required reports shall be due on the 20th day of the month preceding the month in which the Board will consider the request for an extension, and each three months thereafter, for the period that this Order remains in effect.

IT IS FURTHER ORDERED, that the license to practice of Mr. Sargent shall be LIMITED as follows:

REHABILITATION AND MONITORING

Sobriety

2. Mr. Sargent shall abstain from all personal use of controlled substances as defined in §961.01(4), Stats. except when necessitated by a legitimate medical condition and then only with the prior approval of the Supervising Health Care Provider.
3. Mr. Sargent shall in addition refrain from the consumption of over-the-counter medications or other substances which may mask consumption of controlled substances, or which may create false positive screening results.

Department Monitor

4. The Department Monitor is the individual designated by the Board as its agent to coordinate compliance with the terms of this Order, including receiving and coordinating all reports and petitions, and requesting additional monitoring and surveillance. The Department Monitor may be reached as follows:

Department Monitor
Department of Regulation Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935
FAX (608) 266-2264
TEL. (608) 267-3817

Releases

5. Mr. Sargent shall provide and keep on file with the Department Monitor current releases which comply with state and federal laws authorizing release of all urine, blood and hair specimen screen results and medical and treatment records and reports to, and permitting all treating physicians and therapists to disclose and discuss respondent's test results, and any other health information which may bear upon his fitness to practice, with the Board or any member thereof, or with any employee of the Department of Regulation and Licensing acting under the authority of the Board.

Drug and Alcohol Screens

6. For a period of three months from the date of the signing of this Order, Mr. Sargent shall comply with all requirements imposed upon him by the Wisconsin Department of Corrections for participation in drug and alcohol monitoring, and cause all reported urinalysis test result reports to be submitted to the department monitor as a condition for receiving any subsequent stay of suspension from the Board..

7. Within sixty (60) days from the date of the signing of this Order Adopting Stipulation, Mr. Sargent shall enroll in a drug monitoring program which is approved by the department pursuant to Wis. Adm. Code § RL 7.11, ("Approved Program"). Participation must start under the Approved Program within one week following the end of the three month period set forth in paragraph 6.

- a. The Department Monitor, Board or Board designee shall provide Mr. Sargent with a list of Approved Programs, however, he is solely responsible for timely enrollment in any such Approved Program.
- b. Unless otherwise ordered by the Board, the Approved Program shall require the testing of urine specimens at a frequency of not less than 26 times per year.
- c. The Department Monitor, Board or Board designee shall determine the tests to be performed upon the urine specimens.
- d. Mr. Sargent shall comply with all requirements for participation in drug and alcohol monitoring established by the Approved Program, including but not limited to;
 - (i.) contact with the Approved Program as directed on a daily basis, including weekends and holidays, and;
 - (ii.) production of a urine specimen at a collection site designated by the Approved Program within five (5) hours of notification of a test.
- e. The Board in its discretion without a hearing and without further notice to Mr. Sargent may modify this Order to require the submission of hair or breath specimens or that any urine or hair specimen be furnished in a directly witnessed manner.
- f. All expenses of enrollment and participation in the Approved Program shall be borne by Mr. Sargent. Mr. Sargent shall keep any account for such payments current in all respects.
- g. For purposes of further Board action under this Order it is rebuttably presumed that all confirmed positive test results are valid. Mr. Sargent has the burden of proof to establish by a preponderance of the evidence an error in collection, testing or other fault in the chain of custody which causes an invalid confirmed positive test result.

8. If any urine, blood or hair specimen is positive or suspected positive for any controlled substances or alcohol, Mr. Sargent shall promptly submit to additional tests or examinations as the Approved Program or Department Monitor shall determine to be appropriate to clarify or confirm the positive or suspected positive urine, blood or hair specimen test results.

Required reporting by laboratories

9. The Approved Program shall report immediately to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement by FAX or telephonic communication: any failure of Mr. Sargent to provide a urine, blood or hair specimen within five (5) hours from the time it was requested; or of any inability to locate Mr. Sargent to request a specimen. The laboratory shall immediately report all urine specimens suspected to have been tampered with and all urine, blood or hair specimens which are positive or suspected positive for controlled substances or alcohol to the Department Monitor.

10. The laboratory shall within 48 hours of completion of each drug or alcohol analysis mail the report from all specimens requested of Mr. Sargent under this Order to the Department Monitor (regardless of whether the laboratory analysis of the specimen was positive or negative for controlled substances, their metabolites or alcohol). Each report shall state the date and time the specimen was requested; the date and time the specimen was collected; the results of the tests performed to detect tampering; and the results of the laboratory analysis for the presence of controlled substances and alcohol.

Treatment Required

11. Mr. Sargent shall enroll in and continue successful participation in all components of a drug and alcohol treatment program at a treatment facility acceptable to the Board as Mr. Sargent's supervising physician or therapist shall determine to be appropriate for Mr. Sargent's rehabilitation. Mr. Sargent shall commence involvement in the drug and alcohol rehabilitation program within 5 days of the date of the signing of this Order.

Therapy. The rehabilitation program shall include and Mr. Sargent shall participate in, individual and/or group therapy sessions for the first year of the stayed suspension upon a schedule as recommended by the supervising physician or therapist, but not less than once weekly. Such therapy shall be conducted by the supervising physician or therapist, or another qualified physician or therapist as designated by the supervising physician or therapist and acceptable to the Board. After the first year of stayed suspension, this requirement for therapy sessions may be modified only upon written petition, and a written recommendation by the supervising physician or therapist expressly supporting the modifications sought. A denial of such petition for modification shall not be deemed a denial of the license under §§ 227.01(3) or 227.42, Wis. Stats., or ch. RL 1, Wis. Adm. Code, and shall not be subject to any right to further hearing or appeal.

AA/NA Meetings. Mr. Sargent shall attend Narcotics Anonymous and/or Alcoholic Anonymous meetings or an equivalent program for recovering professionals, upon a frequency as recommended by the supervising physician or therapist, but not less than one meeting per week.

Quarterly Reports. Mr. Sargent shall arrange for quarterly reports from his supervising physician or therapist to be submitted directly to the Board evaluating and reporting:

- (a) A summary of Mr. Sargent's progress in his rehabilitation program to date, and all recommendations for continuing rehabilitation treatment,
- (b) Mr. Sargent's attendance in NA/AA meetings,
- (c) Mr. Sargent's participation in and results of his random witnessed breath, urine and/or blood screening program.
- (d) Such quarterly reports shall be due on the dates specified under paragraph 1.d. of this Order.

Required reporting

12. Mr. Sargent is responsible for compliance with all of the terms and conditions of this Order. It is the responsibility of Mr. Sargent to promptly notify the Department Monitor, of any suspected violations of any of the terms and conditions of this Order, including any failures of the Approved Program to conform to the terms and conditions of this Order.

Facility approval

13. If the Board determines that the Approved Program has failed to satisfy the terms and conditions of this Final Decision and Order, the Board may, at its sole discretion, direct that Mr. Sargent continue monitoring under the direction of another program which will conform to the terms and conditions of this Order.

Petitions for Modification of Terms

14. After five years of continuous active professional practice under this Order and without violation of any of its terms or commission of any other unprofessional conduct, Mr. Sargent may petition the Board for a termination of all limitations on the license, and restoration of an unlimited license. Such restoration shall be in the sole discretion of the Board, and denial of the petition in whole or in part shall not be considered a denial of a license within the meaning of Sec. 227.01(3)(a), Stats. and Mr. Sargent shall not have a right to any further hearings or proceedings on any denial in whole or in part of the petition for termination of the limitations and restoration of unlimited licensure.

- (a) After one year of continuous active professional practice under this Order and without violation of any of its terms or commission of any other unprofessional conduct, Mr. Sargent may petition the Board for modification of any of the terms or conditions of this Order or limitations on the license. Such modifications shall be in the sole discretion of the

Board, and denial of a petition to modify this Order in whole or in part shall not be considered a denial of a license within the meaning of Sec. 227.01(3)(a), Stats. and Mr. Sargent shall not have a right to any further hearings or proceedings on any denial in whole or in part of the petition for modification of the terms or conditions of this Order, or limitations on the license.

Expenses of compliance and monitoring

15. Mr. Sargent shall be responsible for all costs and expenses incurred in conjunction with the monitoring, screening, supervision and any other expenses associated with compliance with the terms of this Order.

PRACTICE LIMITATIONS

Controlled Substance Access

16. Mr. Sargent is not restricted from access to or administration of controlled substances in his work setting at this time. However, in the event that the supervising physician or therapist recommends restrictions upon access to controlled substances, the Board may Order such restrictions and Mr. Sargent agrees to comply .

17. Mr. Sargent shall practice only under the general supervision of a licensed professional nurse or other licensed health care professional approved by the Board or in a work setting pre-approved by the Board or its designated agent. Such settings shall not include any independent practice sites, home health or hospice, or agency or pool nursing.

Employer reporting required

18. Mr. Sargent shall arrange for his employer to provide formal written reports to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935 on a quarterly basis, as directed by the Department Monitor. These reports shall assess Mr. Sargent's work performance.

Change in Address or Work Status

19. Mr. Sargent shall report to the Board any change of employment status, residence, address or telephone number within five (5) days of the date of a change.

20. Mr. Sargent shall furnish a copy of this Order to all present employers immediately upon issuance of this Order, and to any prospective employer when he applies for employment as a health care provider.

Violation of any of the terms of this Order shall be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Mr. Sargent's license; the Board in its discretion may in the alternative deny a stay of suspension of the license or impose additional conditions and limitations or other discipline.

This Order shall become effective upon the date of its signing.

WISCONSIN BOARD OF NURSING

By: Jacqueline Johnsrud, RN
Chair

3-4-04
Date